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Attorneys for Defendants
BAYER CORPORATION and BAYER AG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ONYX PHARMACEUTICALS, INC.,

Plaintiff,

v.

BAYER CORPORATION and BAYER AG,

Defendants.

Case No. CV 09 2145 MHP

**STIPULATION EXTENDING
TIME FOR DEFENDANTS
TO RESPOND TO COMPLAINT
AND SETTING BRIEFING
SCHEDULE**

(LR 6-1(a))

Pursuant to Local Rule 6-1(a), it is hereby stipulated between Plaintiff Onyx Pharmaceuticals, Inc. ("Onyx") and Defendants Bayer Corporation and Bayer AG (collectively, "Defendants"), through their respective counsel, as follows:

1. Defendants shall have until Thursday, June 25, 2009 in which to file their responses to Plaintiff's then-operative complaint, and if filing motions to dismiss, to file a motion for leave to file a motion to dismiss before the initial case management conference;

2. Onyx shall have until Thursday, July 16, 2009 in which to file its oppositions to any Rule 12 motions that Defendants file;

3. Defendants shall have until July 27, 2009 in which to file any reply briefs;

4. Defendants shall set any Rule 12 motions for hearing on the Court's 2:00 p.m. calendar on Monday, August 10;

5. The foregoing schedule shall be maintained if Onyx files a First Amended Complaint on or before June 18, 2009 adding Bayer HealthCare LLC as a defendant and not otherwise materially amending the allegations against Defendants. Defendants shall be entitled to additional time to file their responses pursuant to Federal Rule of Civil Procedure 15(a)(3) in the event Onyx files a First Amended Complaint (i) after June 18, 2009; or (ii) that materially amends the allegations against Defendants (other than adding Bayer HealthCare LLC as a defendant).

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1 IT IS SO STIPULATED.

2 Dated: June 3, 2009

LAWRENCE R. KATZIN
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4 MARK L. LEVINE
5 JASON L. PELTZ
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10 By: /s/ Lawrence R. Katzin
11 LAWRENCE R. KATZIN
12 Attorneys for Defendants
13 BAYER CORPORATION and
14 BAYER AG

15 Dated: June 3, 2009

16 THOMAS J. FRIEL, JR.
17 MARTIN S. SCHENKER
18 MICHELLE S. RHYU
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20 COOLEY GODWARD KRONISH LLP

21 By: /s/ Martin S. Schenker
22 MARTIN S. SCHENKER
23 Attorneys for Plaintiff
24 ONYX PHARMACEUTICALS, INC.

25 **GENERAL ORDER 45 ATTESTATION**

26 In accordance with General Order 45, concurrence in the filing of this document has been
27 obtained from each of the signatories and I shall maintain records to support this concurrence for
28 subsequent production for the court if so ordered or for inspection upon request by a party.

29 /s/ Lawrence R. Katzin
30 LAWRENCE R. KATZIN
31 Attorneys for Defendants
32 BAYER CORPORATION and
33 BAYER AG